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18 Attorneys for the Defendant  
19 REST BEST, LLC

20 **UNITED STATES DISTRICT COURT**  
21 **CENTRAL DISTRICT OF CALIFORNIA- EASTERN DIVISION**

22 JAMES RUTHERFORD, an  
23 individual,  
24  
25 Plaintiff,

26 v.

27 RED LION INN AND SUITES, a  
28 business of unknown form; REST  
BEST, LLC, a California limited  
liability company; and DOES 1-10,  
inclusive,  
Defendants.

Case No.: 5:18-cv-02439-AB-SHK

Hon. Judge Andre Birotte, Jr.

**JOINT STIPULATION TO FILE  
FIRST AMENDED COMPLAINT**

Complaint Filed: November 19, 2018  
Trial Date: None

1  
2 **TO THE COURT AND ALL PARTIES:**

3 It is hereby stipulated that Plaintiff JAMES RUTHERFORD  
4 (“Plaintiff”) and REST BEST, LLC (“Defendant”) agree, pursuant to Fed. R. Civ.  
5 Proc. 15(a)(2) and L.R. 15-1 through 15-3, to amend the complaint.

6 “The court should freely give leave when justice so requires.” The Ninth  
7 Circuit requires that this policy favoring amendment be applied with “extreme  
8 liberality.” *Morongo Band of Mission Indians v. Rose*, 893 F.2d 1074, 1079 (9th  
9 Cir. 1990).

10 The proposed First Amended Complaint replaces the name of Defendant  
11 “Rest Best, LLC” with the name “Best Rest, LLC.” No other changes are made in  
12 the proposed First Amended Complaint.

13 The Parties hereby stipulate and agree pursuant, by and through their  
14 undersigned counsel, that the Court may enter an Order:

- 15 1. Granting Plaintiff leave to amend to file his First Amended Complaint,  
16 which is attached as **Exhibit A**; and  
17 2. That Plaintiff will dismiss without prejudice Defendant Rest Best,  
18 LLC within fourteen days of the First Amended Complaint being filed.

19  
20 Respectfully submitted,

21  
22 Dated: January 17, 2019

**MANNING LAW, APC**

23 By: /s/ Joseph R. Manning Jr.

24 Joseph R. Manning Jr., Esq.

25 Attorneys for Plaintiff  
26 JAMES RUTHERFORD  
27  
28

1 Dated: January 17, 2019  
2  
3

4 By: /s/ Gina Young Pak  
5 Gina Young Pak  
6 Attorney for Defendant  
7 REST BEST, LLC

8 **Certification Pursuant to Local Rule 5-4.3.4(a)(2)(i)**

9 Pursuant to Local Rule 5-4.3.4(a)(2)(i), I, Joseph R. Manning, Jr., hereby do  
10 attest that all signatories listed, and on whose behalf the filing is submitted, concur  
11 in the filing's content and have authorized the filing.

12  
13 DATED: January 18, 2018

By: /s/ Joseph R. Manning, Jr.